

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 1:22-cv-03104

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ABDELHAFIZ M. NOFAL, :  
DEPOSITION OF:  
:  
Plaintiff, NATALIE COHEE  
:  
vs.  
:  
IMCMV TIMES SQUARE, LLC,  
d/b/a MARGARITAVILLE :  
RESORT TIMES SQUARE,  
:  
Defendant.

-----:  
  
TRANSCRIPT of testimony as taken by and  
before PATRICIA A. SANDS, a Shorthand Reporter  
and Notary Public of the States of New York and  
New Jersey, via VERITEXT VIRTUAL, on Tuesday,  
March 21, 2023, commencing at 10:07 in the  
forenoon.

Job No.: P1-5820796

A P P E A R A N C E S:

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For the Defendants

## I N D E X

WITNESS	EXAMINATION
Natalie Cohee	
Ms. Tatura	4
Ms. Cabrera	100

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F E D E R A L   S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by  
and between the parties hereto, through their  
respective counsel, that the certification,  
sealing and filing of the within examination  
will be and the same are hereby waived;

IT IS HEREBY STIPULATED AND AGREED that  
all objections, except as to the form of  
question, will be reserved to the time of trial;

IT IS HEREBY STIPULATED AND AGREED that  
the within examination may be signed before any  
Notary Public with the same force and effect as  
if signed and sworn to before this Court.

1       N A T L I E   C O H E E ,  
2           110 Hoboken Avenue, Apt. 115  
          Jersey City, New Jersey 07310,  
3           having been sworn, was examined  
          and testified as follows:

4  
5       DIRECT EXAMINATION

6       BY MS. TATURA:

7           Q       Good morning, Ms. Cohee. This is  
8       Olena Tatura from Akin Law Group. I represent  
9       the plaintiff in this matter. This morning I  
10      will be asking you some questions with regard  
11      to the lawsuit that he brought against the  
12      Margaritaville Resort.

13           I'm just going to ask you to have your  
14      responses verbal, because the court reporter  
15      that we have today cannot take down any hand  
16      gestures or head nods.

17           Okay?

18           A       Yes, ma'am.

19           Q       If you do not understand the  
20      question, please let me know so I can rephrase  
21      it, because if you do provide your response, I  
22      will you assume that you understood my  
23      question.

24           Is that all right?

25           A       Yes.

1           Q     If you need to take a break, let me  
2           know, we can take that at any time. I'm just  
3           asking if there is a pending question, that you  
4           provide your response before we take such  
5           break.

6           All right?

7           A     Yes.

8           Q     Do you understand that you are under  
9           oath today and sworn to tell the truth?

10          A     Yes.

11          Q     And do you understand that your  
12          testimony today is given as if we were in the  
13          courtroom and under the penalty of perjury?

14          A     Yes.

15          Q     Is there anything that may impact  
16          your ability to testify truthfully today?

17          A     No, ma'am.

18          Q     What have you done, if anything, to  
19          prepare for today's deposition?

20          A     I mean, not much really at this  
21          point. You know, I have just gone over my own  
22          notes, concepts of what's happened within this  
23          case with your client, but not too much  
24          preparing really.

25          Q     And have you produced a copy of those

1 notes to your attorney?

2 A Yes.

3 Q Have you reviewed any other  
4 documents, aside from the notes you've  
5 referenced?

6 A Just the actual lawsuit claim from  
7 your client.

8 Q The complaint?

9 A Yes.

10 Q And did you speak with anybody from  
11 Margaritaville about today's deposition?

12 A No, just that I was going to a  
13 deposition.

14 Q Who did you say that to?

15 A My general manager at the building,  
16 to make sure he was aware that I would not be  
17 able to be interrupted today.

18 Q What is his name?

19 A Michael Roberts.

20 Q And have you ever been deposed  
21 before?

22 A No, ma'am.

23 Q Have you ever been a witness to a  
24 lawsuit?

25 A No, ma'am.

1                   Q     Have you ever been a party to a  
2     lawsuit?

3                   A     No.

4                   Q     Have you ever been involved in any  
5     matter involving debt collection in Arizona in  
6     2004?

7                   A     No.

8                   Q     Have you ever been involved in a  
9     matter involving debt collection in Florida in  
10    2014?

11                  A     Not to my recollection, no.

12                  Q     Are you aware if Margaritaville was  
13    named as a defendant in any employment  
14    discrimination lawsuit, other than the current  
15    one?

16                  A     Not to my knowledge, no.

17                  Q     Are you aware if any employee of  
18    Margaritaville sent an intention to sue for  
19    employment discrimination, other than the  
20    plaintiff in this case?

21                  A     Not to my knowledge, no.

22                  Q     Are you aware of an employee named  
23    Salaam that could allege employment  
24    discrimination against Margaritaville?

25                  A     No, I have no idea who that is.



1           Q     Are you aware if there was another  
2 employee of Indian national origin that was  
3 fired and rehired following his complaint of  
4 employment discrimination?

5           A     Not to my knowledge, no.

6           Q     What is your date of birth? And we  
7 will redact the same from the record.

8           A     XX/XX/XX.

9           Q     And how old are you today?

10          A     Thirty-eight -- 37, I will be 38.

11          Sorry.

12          Q     What are the last four digits of your  
13 Social Security number?

14          A     5654.

15          Q     What is your email address?

16          A     Personal or work?

17          Q     Both.

18          A     Ncohee at IMCMV dot com. Personal is  
19 Nataliel70 at AOL dot com.

20          Q     Thank you.

21                Did you ever send any emails from your  
22 work email to your personal email related to  
23 this lawsuit or the plaintiff?

24          A     No. The only email from my personal  
25 email was when Mr. Nofal had sent me an email,

1 and then when I responded via phone, it has  
2 both my email accounts, and I think it ended up  
3 picking up my personal email. And then  
4 Mr. Nofal had emailed me requesting a day off  
5 to my work email as well.

6 Q Do you know what day off we are  
7 talking about, what date?

8 A It would have been sometime in June,  
9 maybe the 25th, ah -- between the 22nd and the  
10 25th, one of those days.

11 Q 2021?

12 A 2021, yes, ma'am.

13 Q Okay, thank you.

14 Do you have any social media accounts?

15 A Just Facebook. I think there might  
16 be an Instagram account, but not like an active  
17 Instagram account. I think it was opened up  
18 when I worked at DoubleTree, I don't think I  
19 ever posted anything on it. It's not an active  
20 account for sure.

21 Q Did you ever post anything on  
22 Facebook, Instagram, or any other social media  
23 account anything related to this lawsuit, the  
24 plaintiff?

25 A No, ma'am.

1 Q And where were you born?

2 A Indianapolis, Indiana.

3 Q And how long have you lived at this  
4 110 Hoboken Avenue in Jersey City?

5 A I moved to New York to that address  
6 in May, I think May of 2021.

7 Q And prior to that where did you live?

8 A I resided in the hotel for November  
9 of -- sorry, I have to go in my mind --  
10 November of 2020 until May, so pretty much I  
11 was back and forth from Florida and New York.  
12 So I would say April to May -- March, sorry,  
13 March to May I was in a hotel here in the city  
14 preparing to open up the venue. And then prior  
15 to that I was in Florida.

16 Q And what's the address of the hotel  
17 that you resided?

18 A I honestly don't know the actual  
19 hotel address, but it was the Hampton -- it was  
20 multiple different hotels from Secaucus to  
21 Hampton. They just kind of bounced me around  
22 to whatever had availability.

23 Q Okay. And in Florida what was the  
24 address that you resided prior to living in the  
25 hotels?

1           A     5367 Deer Creek Avenue, Orlando,  
2           Florida 32821.

3           Q     And how long did you reside at that  
4           address?

5           A     It's my main permanent residence, I  
6           have been there since 2007.

7           Q     Are you married?

8           A     Yes, ma'am.

9           Q     I apologize for asking you this, but  
10          have you ever been convicted of a felony?

11          A     No, ma'am.

12          Q     Have you ever filed for bankruptcy?

13          A     No, ma'am.

14          Q     And what is your highest level of  
15          education?

16          A     I have an associate's degree in  
17          culinary, ah, occupational science.

18          Q     Where did you obtain that degree?

19          A     In Arizona. Le Cordon Bleu, in  
20          Scottsdale, Arizona.

21          Q     And when did you obtain that  
22          associate's degree there?

23          A     That was, ah -- I graduated in 2003.

24          Q     Are you currently employed at  
25          Margaritaville?

1           A     Yes, ma'am.

2           Q     And when did you start working there?

3           A     August of 2020.

4           Q     And from August 2020 to present, what  
5 positions did you have?

6           A     Executive chef for Margaritaville,  
7 hired for New York. But until we opened in  
8 June of 2021, I was in multiple different  
9 venues.

10          Q     What venues?

11          A     I was in Pigeon Forge, Tennessee; Las  
12 Vegas; San Antonio; Bayside Miami.

13          Q     Did you work for different hotels, or  
14 did you work for Margaritaville at the cities  
15 you mentioned?

16          A     They were all restaurants,  
17 freestanding restaurants. One was attached to  
18 a hotel, which would be the Las Vegas property.

19          Q     Are these venues reflected on your  
20 resume?

21          A     No, it's just part of Margaritaville.

22          Q     Is there any reason why you didn't  
23 put them on your resume?

24          A     No, because I have been hired as  
25 Margaritaville, so bouncing around wasn't

1 relevant to me.

2 Q Okay. When did you work at  
3 DoubleTree?

4 A DoubleTree I was hired in 2007, and I  
5 left in June, June 25th is when I accepted this  
6 offer, so June 25th of 2020.

7 Q Did you leave on your own accord or  
8 were you fired?

9 A Yes, ma'am, I left on my own.

10 Q Why did you resign from DoubleTree?

11 A I got the offer to take for  
12 Margaritaville to come open up the Times Square  
13 property.

14 Q So your resume says January 2008,  
15 your LinkedIn says February 2008, and you now  
16 testified that you started in 2007, can you  
17 clarify the discrepancy?

18 A Uhm, so January -- December of 2007 I  
19 officially was interviewed for the DoubleTree,  
20 so it might end up being January 11th,  
21 something around there. Between December and  
22 January, roughly. Not exactly sure of the  
23 exact dates it's been so long.

24 Q Okay, thank you.

25 And prior to DoubleTree where did you

1 work?

2 A Prior to DoubleTree -- sorry, I have  
3 to backtrack. Prior to DoubleTree I was at  
4 Pomegranate Restaurants. Then I was with Ocean  
5 Properties in Sheraton, Key West, St. Croix --  
6 kind of all over the place.

7 Q And again, is there any reason why  
8 you did not reflect every job you worked at on  
9 your resume?

10 A Uhm, yeah, I just don't -- I choose  
11 the ones that had the longevity. I mean, Ocean  
12 Properties was very profound for me, so it was  
13 a big company for me to work for. Pomegranate  
14 Restaurants was a kosher restaurant, it was an  
15 8-month thing until they closed down, and then  
16 I got asked to go to Orlando to open up the  
17 restaurant, I mean the hotel at DoubleTree. So  
18 Pomegranate's had closed down, it was  
19 irrelevant, I mean, pretty -- you know, it's  
20 closed down at this point. So they weren't  
21 very successful.

22 Q And how did your employment at Ocean  
23 Properties end -- did you get fired, did you  
24 resign?

25 A No, I got transferred to St. Croix.

1 And then after St. Croix, by then, at that time  
2 my fiancé, we decided to move back to the  
3 United States. He stayed working with Ocean  
4 Properties, and since he was a direct  
5 report, it was better for me to pick up with  
6 another company versus staying in the same  
7 company.

8 Q Did anyone at Ocean Properties ever  
9 complain that they feel like they were  
10 discriminated against by you on the basis of  
11 their disability or national origin?

12 A Absolutely not.

13 Q And the same questions for  
14 DoubleTree, did anybody at DoubleTree ever  
15 complain that they felt like they had been  
16 discriminated against by you on the basis of  
17 their disability or national origin?

18 A Absolutely not, never had a complaint  
19 against me.

20 Q How about Margaritaville, did  
21 plaintiff, Mr. Nofal, ever complain to you that  
22 he felt like he was discriminated against by  
23 you on the basis of disability or national  
24 origin?

25 A No, ma'am.



1           Q     And anybody at Margaritaville, other  
2           than plaintiff, did they allege any sort of  
3           complaint of discrimination against you on the  
4           basis of their disability or national origin?

5           A     No, this is my first complaint.

6           Q     As the executive chef at  
7           Margaritaville, what are your duties and  
8           responsibilities?

9           A     I'm there to maintain an effective  
10          organization, making sure that recipes are  
11          adhered to, product quality is adhered to,  
12          cleanliness, and to run the day-to-day shift  
13          and make sure that all of my underneath  
14          managers are basically running the day-to-day  
15          operation and I'm overseeing them.

16          Q     How many managers do you currently  
17          supervise?

18          A     Four. Four managers, two  
19          supervisors.

20          Q     And from June 2021 to September 2021,  
21          how many employees did you supervise?

22          A     Throughout the entire time or -- just  
23          because right now, I mean, they have come and  
24          gone. So on average it's about 42, but  
25          throughout the time --

1 Q Average is fine.

2 A About 42.

3 Q Okay. And did you supervise line  
4 cooks as well?

5 A Line cooks, prep cooks, dishwashing.

6 Q What's the difference between prep  
7 cook and line cook?

8 A Prep cook is basically an entry level  
9 position that does all of the main recipes and  
10 the bulk prep for the day-to-day. And then  
11 line cooks are doing shift prep, which is  
12 basically setting up their station and doing  
13 the basic prep within their shift, and prep  
14 cooks prep the bulk items.

15 Q Are they in an equal position, or is  
16 anybody higher?

17 A So I have lead line cooks and I have  
18 lead prep cooks, those are the same basically  
19 tier level. They can be paid the exact same  
20 rate, they have the same skill sets. We have  
21 entry levels on all areas, in every department  
22 within my kitchen.

23 Q Do you have authority to hire and  
24 fire employees?

25 A Yes, ma'am.

1           Q     And did you have that authority from  
2     June 2021 to September 2021?

3           A     Yes, ma'am.

4           Q     Who do you currently report to, who  
5     is your immediate supervisor?

6           A     Jason Tremper.

7           Q     And what is his position?

8           A     He is the VP of food and beverage  
9     operations.

10          Q     Is Kylie Featherby still employed --

11          A     She is deceased.

12          Q     -- at Margaritaville?

13          A     She has passed away.

14          Q     I'm sorry to hear that.

15          A     Thank you.

16          Q     Adam Nolan Charles, is he still  
17     employed with Margaritaville?

18          A     No, he resigned on June 5th of  
19     2000 -- was it June 5th or July 5th -- I don't  
20     want to misstate it, it's either June 5th or  
21     July 5th, but he resigned.

22          Q     According to plaintiff, he was fired,  
23     is there any reason to believe that that's not  
24     true?

25          A     The plaintiff -- Adam was fired --

1 no, Adam never got fired, he walked out in the  
2 middle of a shift.

3 Q And who is currently occupying the  
4 position of the executive sous chef?

5 A Darius Logan.

6 Q Who is José Gomez Dominguez?

7 A He is my senior sous chef.

8 Q Is he still employed?

9 A Yes, ma'am.

10 Q And who is Claudia Rodriguez?

11 A She was a former sous chef.

12 Q When did her employment end?

13 A She went back to Mexico on July 19th  
14 of 2022. June, I think it might have been  
15 June 19th, sorry.

16 Q Did she resign?

17 A Yes, ma'am. She put in her two  
18 weeks' notice, she moved back to Mexico and  
19 then back to Texas.

20 Q And who is currently the sous chef?

21 A I have two additional ones, which is  
22 Tim Bly and Everton Phipps.

23 Q And who is Tyre Washington?

24 A Tyre Washington, he was a supervisor.

25 Q And why is he no longer employed at

1 Margaritaville?

2 A He went to work with PHS, which is  
3 the contract company, and they had released him  
4 based on his attendance, I believe.

5 Q Was he fired?

6 A Yes, PHS had released him.

7 Q And who was Janina Diaz?

8 A Janina Diaz was a supervisor. She  
9 was a supervisor.

10 Q Why did her employment end?

11 A She resigned within -- before even  
12 opening. I think two weeks prior to opening,  
13 like officially opening the property.  
14 Something where -- I think it was about, uhm,  
15 she only wanted to work the morning shift, and  
16 the p.m. shift was not suitable for her, or  
17 something along that line.

18 Q Does Margaritaville have an HR  
19 department?

20 A Yes, ma'am.

21 Q Where is it located?

22 A Orlando, Florida.

23 Q What is your understanding of the  
24 procedure that Margaritaville has in place in  
25 case employees have some complaints of

1 discrimination that they would like to lodge?

2 A Any complaints or things that are  
3 brought to our attention is immediately  
4 directed to our HR department, which is Hector  
5 and Pedro. And from that moment on they would  
6 take care of, they would continue it on and do  
7 their investigation.

8 Q So if some of the employees that you  
9 supervise wanted to complain of discrimination,  
10 can they go directly to you, or do they have to  
11 go to HR, including Hector and Pedro?

12 A If they wanted to come to me, they  
13 could come to me if they felt comfortable. If  
14 they didn't feel comfortable, by all means they  
15 could go to Hector and Pedro. Typically most  
16 of them follow chain of command, but not in  
17 every circumstances would you follow chain of  
18 command if you felt uncomfortable.

19 Q How would employees know that they  
20 have to reach out to Hector or Pedro, or  
21 anybody else at HR?

22 A During the orientation training that  
23 every employee would go through, all of that is  
24 brought up. There is, I think, even a flyer  
25 hanging in the kitchen at that point when IMCMV

1 was involved with Margaritaville at the  
2 property. Now it's PHS, so PHS has their own  
3 policies and procedures.

4 Q And do employees get some sort of  
5 employee handbook in addition to flyers?

6 A Everything was given via online.  
7 Like through their, ah -- when they sign up  
8 with the application, they go through this  
9 whole Paycor process, and on the Paycor you  
10 have the option to download everything that you  
11 have gone through.

12 And I think this particular training  
13 everybody receives some type of pamphlet,  
14 booklet, during our, uhm, basically the week of  
15 training, is what we call it.

16 Q Aside from the training that  
17 employees receive at the orientation, is there  
18 any training that is conducted every year or  
19 every two years?

20 A Everybody has a HotSchedules  
21 application, which basically goes into our  
22 Margaritaville University. And we have courses  
23 and things that are constantly uploaded that  
24 get assigned to you that you would continuously  
25 click on, and it would alert you via email that

1       you have, you know, a sexual harassment, or you  
2       have, you know, it could be a MenuSpec training  
3       that you have to do that will constantly pop  
4       up.

5               Q       And would there be any document that  
6       would prove that employees, in fact, did such  
7       training and listened to all of the hours?

8               A       Yes, you would -- it's pretty much  
9       time stamped. So once they complete it, it  
10      sends it over explaining this task was  
11      completed. And managers all the way up to  
12      executive levels kind of have access to that.  
13      And some of them even require you to print out  
14      a certificate.

15              Q       You mentioned previously that some  
16      sort of investigation will be done if there are  
17      complaints of discrimination lodged with the HR  
18      department.

19              Do you know who would be in charge of that  
20      investigation?

21              A       That would be Hector and Pedro, and  
22      anybody else that would be, I guess involved  
23      into what might be brought up.

24              Q       Do you know when Hector and Pedro  
25      started working at Margaritaville at the HR



1 department?

2 A Sorry, ma'am, I do not have that  
3 information.

4 Q And who would know that?

5 A Both of them would know.

6 Q Do they work in Florida?

7 A Hector works over in Arizona and  
8 Pedro works in Orlando.

9 Q Did you personally receive any  
10 employee handbook from Margaritaville?

11 A Yes.

12 Q Do you still have a copy of it?

13 A It's on my computer.

14 MS. TATURA: Anjanette, I don't  
15 believe any employee handbooks were  
16 exchanged in discovery.

17 So to the extent there is such  
18 employee handbook, I would request that a  
19 copy be provided to us. And I can follow  
20 up in writing.

21 MS. CABRERA: Okay, yes. I just ask  
22 that any requests, just follow up in  
23 writing.

24 That's weird. Are you sure you  
25 didn't get that?

1 MS. TATURA: Yes. There was a  
2 policy, conduct, how to --

3 MS. CABRERA: Policy conduct --

4 MS. TATURA: Yeah, but I didn't see  
5 any employee handbook. Anyway, I will  
6 follow up in writing.

7 Q When was the last time that you  
8 reviewed the employee handbook?

9 A Maybe not even two months ago, around  
10 there.

11 Q What was the purpose of your  
12 reviewing it?

13 A We had our annual like refresher  
14 courses, everybody had to pretty much do the  
15 refresher.

16 Q How often does that annual refresher  
17 take place?

18 A Annually. Once a year.

19 Q And did you also receive some kind of  
20 a training designed to prevent employment  
21 discrimination at Margaritaville?

22 A Yes. We went through quite a few  
23 different, you know, sexual harassment,  
24 discrimination, pretty much all of that we had  
25 gone through. I think even maybe two or three

1 times since I've been with the company I have  
2 received a few training guides, or courses that  
3 were given to me.

4 Q And would there be some documents  
5 showing that you, in fact, took part in those  
6 trainings?

7 A I think those were given already.

8 Q I don't believe they were, that's why  
9 I'm asking.

10 A Yeah. It would be on my online  
11 courses, yes.

12 Q You mentioned Margaritaville  
13 University.

14 Can you tell me more about that?

15 A It's basically their platform for all  
16 of the information that the company has for our  
17 trainings.

18 Q Do you have to have a log-in password  
19 to get in?

20 A Yes, you need to be an employee of  
21 Margaritaville.

22 Q Aside from being an employee, do you  
23 need to have log-in information, like a user  
24 name, password?

25 A Yes, that's the only way you could

1 access it. It would be given to you upon hire,  
2 it's basically whatever your HotSchedule log-in  
3 is that you would sign in to to get your  
4 schedule, it's the same platform to log-in to  
5 get to Margaritaville University. Only you  
6 would have an access to that.

7 Q Okay, thank you.

8 How long would the training last, the one  
9 that Margaritaville conducted during your  
10 employment?

11 A Any course could be five minutes to  
12 45 minutes. I think some of them might have  
13 even been an hour.

14 Q And while you're taking that course  
15 or training, are you taking any notes usually?

16 A Many of them like those little  
17 quiz-lets, that you have to answer. Tests.

18 Q Would you still have a copy of those?

19 A Not on my person, no.

20 Q How would you find out if there was a  
21 training coming up that you would have to  
22 complete as part of your employment?

23 A It would be in your HotSchedule, like  
24 messaging. Or for me, like a manager, it might  
25 come to my email letting me know that I have a

1 training.

2 Q So based on the training that you  
3 received during your employment to date, what  
4 is your understanding of what discrimination  
5 is?

6 A I mean, it's basically having bias  
7 against somebody for something that they cannot  
8 cause, ah, that they have no, basically, way to  
9 change it. Change themselves or change it in  
10 their life.

11 Q Are you familiar with Abdelhafiz  
12 Nofal, the plaintiff in this case?

13 A Yes, ma'am.

14 Q When was the first time you met him?

15 A Approximately June 5th.

16 Q Was that during the orientation?

17 A Yes.

18 Q Do you know when was the date when  
19 plaintiff was hired?

20 A I think the end of May, so it would  
21 have to be on the last hiring spree of May 25th  
22 to May 31st.

23 Q And who interviewed plaintiff?

24 A I believe Adam did.

25 Q And who hired him?

1           A     I believe Adam did.

2           Q     Did Adam run by you whether he should  
3     hire plaintiff, or did he have authority to do  
4     the hiring on his own?

5           A     Adam did not run it through me. On  
6     the grand opening hiring, all managers were  
7     eligible to hire. We were doing a mass hiring  
8     spree, so we hired about 130 employees within a  
9     five-day period.

10          Q     And what was the plaintiff's position  
11     that he was hired for?

12          A     A line cook.

13          Q     Line cook. Is there any other  
14     position that plaintiff was hired for?

15          A     No, he was just hired as the  
16     breakfast line cook.

17          Q     And how often would you interact with  
18     plaintiff during your employment and his  
19     employment at Margaritaville?

20          A     Uhm, I would say roughly 15 to 20  
21     times that I physically worked with him on a  
22     side-by-side basis, or within the line. Other  
23     than that, a "hello, how are you", type of  
24     interaction, as I was getting ready to open up  
25     the building. I didn't spend much one-on-one

1 time with cooks at that point, that's what the  
2 managers were doing.

3 Q And what were the duties and  
4 responsibilities of plaintiff as a line cook?

5 A To set up the station, prep up the  
6 station, make sure that he had all of his  
7 products, tools, and things needed for his  
8 shift to run an effective shift, adhere to our  
9 recipes, policies and procedures, and to  
10 effectively in a timely manner produce the food  
11 that was requested of him.

12 Q And so if he was running out of some  
13 ingredients necessary for service of meals to  
14 the customers, where would he get more of those  
15 supplies?

16 A All of the employees have access,  
17 they basically go down to the prep kitchen or  
18 the SC2 storage room. And so any employee that  
19 would run out of product, they would request to  
20 leave the line to go refill their station or  
21 refill their product.

22 If it was a busy moment, then he would  
23 request that some assistance of can somebody  
24 run down and get this for me, as the line is  
25 busy. It's pretty much up to the manager to

1 allow him to leave the station to go downstairs  
2 to get the product that they don't have, or the  
3 manager can send somebody else to go get the  
4 product.

5 Q Was that on the same floor as the  
6 line, or was that downstairs, upstairs,  
7 anywhere?

8 A Yes, it was downstairs. We had the  
9 prep kitchen, which is on the level C, and then  
10 SC2, which is on basically negative floor 2,  
11 which is two floors down.

12 Q And just to clarify. You did have a  
13 supervisory authority over the plaintiff during  
14 his employment; correct?

15 A Yes, ma'am. I'm the direct report as  
16 I'm the executive chef. So anytime he needed  
17 to go get something -- he could come to me or he would go  
18 to one of my managers.

19 Q And who determined plaintiff's work  
20 schedule?

21 A Myself.

22 Q Would that be based on the needs of  
23 the business, a shortage of employees, anything  
24 else?

25 A It's based on needs of business and



1           what's going on day to day.

2           Q     Aside from yourself, anybody else  
3           have the right to designate hours for  
4           plaintiff?

5           A     Any of my managers could have. At  
6           that moment we were in the grand opening, so I  
7           would have been the only one to make the actual  
8           physical schedule. But I'm sure many  
9           adjustments were made during the shift, sending  
10          people home early or asking people to come in  
11          late, due to just overstaffing or under-  
12          staffing.

13          Q     And I'm sorry if I asked you this  
14          before, when was the grand opening?

15          A     The grand opening was June 25th.

16          Q     2021?

17          A     Yes, ma'am.

18          Q     Was plaintiff's performance  
19          satisfactory? Work performance.

20          A     Uhm, at times.

21          Q     When was the first time that you  
22          noticed that plaintiff's performance may have  
23          been less than satisfactory?

24          A     Around mid-June.

25          Q     What were the issues that you noticed

1 in mid-June that were less than satisfactory?

2 A Mr. Nofal was working with raw beef  
3 and raw chicken, and at that time he had taken  
4 the raw beef and chicken and put it on to a  
5 ready-to-eat cutting board with romaine,  
6 tomatoes, and ready-to-eat product.

7 As he was working with those ingredients,  
8 he was, uhm, being very sloppy and allowing the  
9 contamination of the product to get all over  
10 the place. Which was -- is very severe, I  
11 mean, as I think everybody is aware with  
12 salmonella.

13 So that became a pretty crucial moment at  
14 that moment, at that time, of his sanitation  
15 and hygiene of working with food. That became  
16 a concern of pretty much everybody that was  
17 working on the line.

18 Q If it was so severe, is there any  
19 reason why he wasn't issued a writeup?

20 A I always believe in coaching and  
21 counseling verbally first. I don't think  
22 everything needs to be given a writeup, you  
23 know, I think a lot of things can be taught  
24 through teaching. So I believed at that moment  
25 it's a learning experience. We are in the

1 middle of training. I had entry level all the  
2 way to sous chefs that were line cooks at that  
3 point. So you're kind of learning who has  
4 skill sets and where their skill sets are. And  
5 so during each training moment, you're not  
6 going to the first step is to write somebody  
7 up, I think you can coach and counsel before  
8 you get to that step.

9 Q Is that what you did, you coached and  
10 counseled the plaintiff as to that incident?

11 A I'm sorry, you cut out.

12 Q Is that what you did, you coached and  
13 counseled the plaintiff as to that incident?

14 A Yes, ma'am.

15 Q And would there be any document to  
16 prove that you, in fact, engaged in such  
17 counseling?

18 A No, there would be no -- I wouldn't  
19 be writing it up, because writing it up would  
20 pretty much go into his file.

21 So that would be a negative for me, you  
22 know, for him. I wouldn't want to immediately  
23 go into writing something negative up about an  
24 employee when I was just trying to have that  
25 first interaction on, hey, listen, this cannot

1       happen, you must wash your hands, you must make  
2       sure that you're handling raw beef first, and  
3       then handle the raw chicken, you can't have it  
4       by the lettuce, you can't have it by the  
5       tomatoes.

6           Q       Is this the policy of Margaritaville  
7       to give coaching and counseling first, or is  
8       this something that you decided to do as the  
9       executive chef?

10          A       I think all of us, you know, in a  
11       management position, I don't know if it's  
12       actually a policy, I mean, everybody, the first  
13       step to any type of coaching and counseling is  
14       to have that verbal one on one, because we are  
15       leaders, we're training at this point. This  
16       was a training versus a -- a training issue,  
17       versus something that would cause him to get a  
18       writeup. It's not a code of conduct, it's not  
19       something like that, this was more of a  
20       training of somebody just not knowing how to do  
21       their job.

22          Q       And when was the next issue that you  
23       felt like was less than satisfactory work  
24       performance?

25          A       It would have been probably, uhm,

1 maybe a week later, but unfortunately I was not  
2 actually a witness to that, so it was a hearsay  
3 moment between two line cooks.

4 Q What was the incident?

5 A The incident was regarding following  
6 proper policies and cooking techniques on  
7 sauté. Him and another line cook had got into  
8 disagreement on following the recipes that were  
9 given to him. Mr. Nofal basically said he had  
10 been a chef his whole life, he knows what he's  
11 doing, so at this point he knows how to sauté  
12 the proper way, but he was not following the  
13 recipe that was given to him.

14 Q What was that line cook's name?

15 A Marcelo Cortez.

16 Q Is he still employed?

17 A Yes, ma'am.

18 Q What is his current position?

19 A Line cook.

20 Q Is there any reason why plaintiff  
21 wasn't issued a writeup a week later after the  
22 first incident?

23 A I was not involved into it. It was  
24 brought to my attention afterwards, and the  
25 corporate chef sat down with the two.

1 Q Who is the corporate chef?

2 A Dan Murray.

3 Q Do you know if there were any  
4 documents that would reflect any meetings or  
5 sitting down between the three of them?

6 A Not to my knowledge.

7 Q Aside from the mid-June incident and  
8 then the incident taking place a week later, is  
9 there any other incident that happened that  
10 made you believe that plaintiff's performance  
11 was less than satisfactory?

12 A Not until we started working  
13 breakfast.

14 Q And would that be August 2021, or no?

15 A Yes, roughly August 2021 is when we  
16 officially started doing breakfast.

17 MS. TATURA: Let's take a look at the  
18 first document that will be marked as  
19 Exhibit 1. This is the complaint filed in  
20 this action. Let me just put it on the  
21 screen.

22 (Exhibit 1 marked for  
23 identification.)

24 Q Have you seen this document before?

25 A Yes, ma'am.

1           Q     When was the last time you saw this  
2 document?

3           A     That would have been roughly February  
4 of this year.

5           Q     What was the reason that you looked  
6 at this document in February?

7           A     To actually fully read it.

8           Q     Why did you decide to wait until  
9 February 2023 to look at this document to fully  
10 read it?

11          A     Because it was originally sent out to  
12 corporate, and it was given to me on, I  
13 think -- or a portion of it I had received  
14 roughly around the time that he had sent it  
15 over, but most of that stuff gets straight to  
16 HR.

17          Q     Have you discussed this document with  
18 anybody other than your lawyer?

19          A     Just Kylie Featherby.

20          Q     And did you discuss that verbally, by  
21 text message, by email?

22          A     Verbal.

23          Q     Do you understand what allegations  
24 plaintiff has in this lawsuit?

25          A     Yes, ma'am.

1 Q Let's go to paragraph 22.

2 A Yes, ma'am.

3 Q So you see where it says, in  
4 paragraph 2:

5 "Plaintiff suffers from diabetes - a  
6 chronic metabolic disease characterized by  
7 elevated levels of blood glucose."

8 Did you know that the plaintiff had  
9 diabetes?

10 A No, ma'am. I'm sorry.

11 MS. CABRERA: Let her finish.

12 THE WITNESS: Sorry.

13 Q And let's look at the paragraph 23.

14 "Because of diabetes, plaintiff had an  
15 impairment of his skin (toe), which prevented  
16 him from the exercise of his normal bodily  
17 functions, such as walking."

18 Do you have any reason to believe that  
19 that's not accurate?

20 A I have no idea if his diabetes had  
21 anything to do with his -- anything to do with  
22 it.

23 Q Didn't you see plaintiff limping  
24 during his employment at Margaritaville?

25 A No, ma'am.



1           Q     Did you know that plaintiff had a  
2 surgery during his employment with  
3 Margaritaville?

4           A     No, ma'am. I didn't know he actually  
5 had a surgery.

6           Q     Isn't it true that in July of 2021  
7 plaintiff showed you a picture of his toe, that  
8 you commented as looked very blue?

9           A     No, ma'am, I've never seen any  
10 pictures of anything from Abdel.

11          Q     Let's look at paragraph 24:

12                "Despite his disability, plaintiff was  
13 able to do the essential duties of his job as  
14 the sous chef, and work at the designated to  
15 him sauté and grill stations at  
16 Margaritaville."

17                We already established that he worked as a  
18 line cook, according to you; correct?

19          A     Yes, ma'am. He was never a sous  
20 chef.

21          Q     Is there any reason to believe that  
22 plaintiff was not able to do the essential  
23 duties as the line cook during his employment  
24 with Margaritaville?

25          A     No, based off of everything, he

1           should have been just fine to do a line cook  
2           position.

3           Q     Let's look at paragraph 26, where it  
4           says:

5           "From July 26, 2021 to August 26, 2021, as  
6           per his doctor's recommendation, plaintiff took  
7           a short-term disability leave related to his  
8           disability."

9           Do you recall plaintiff taking a leave of  
10          absence?

11          A     Yes, ma'am.

12          Q     And do you know what that leave of  
13          absence was for?

14          A     He had a sore toe, I believe.

15          Q     And do you know if plaintiff was  
16          granted a leave of absence based on the  
17          doctor's note, or something else?

18          A     Once he handed in the documentation,  
19          it was given over, and Hector, HR, approved the  
20          leave of absence.

21          Q     Did you personally receive any  
22          doctor's note from plaintiff?

23          A     Sorry, can you repeat that.

24          Q     Did you personally receive any  
25          doctor's note from plaintiff?

1           A     I think the doctor -- the original  
2           note that said to please be excused for roughly  
3           30 days.

4           Q     And how did you receive that -- by  
5           email, in person, by fax, by text message?

6           A     I believe that it was either via  
7           email or via text. I don't believe it was  
8           given in person. I don't believe it was given  
9           in person.

10          Q     And prior to taking a leave of  
11          absence, what was plaintiff's schedule?

12          A     Just like all of the new hires,  
13          everybody was on a five-day, ah, pretty much  
14          training, orientation, work schedule getting  
15          ready. I mean, we spent a lot of time,  
16          everybody spent a lot of time getting ready to  
17          open up the building. So everybody was on full  
18          shift. Some people I think might have even  
19          worked six, seven days.

20          Q     Is it fair to say that plaintiff was  
21          employed on a full-time basis prior to taking  
22          his leave of absence?

23          A     We didn't hire anybody on a full-time  
24          basis during the grand opening, everybody was  
25          just given the maximum hours that they could

1 physically work, because there was so much to  
2 be done.

3 Q Let's look at paragraph 30:

4 "Plaintiff was assigned to work on the  
5 breakfast shift from 8:00 a.m. to 3:00 p.m. on  
6 Friday, 6:00 a.m. to 2:00 p.m. on Saturday, and  
7 6:00 a.m. to 2:00 p.m. on Sunday."

8 I believe that was after he returned from  
9 his leave of absence. Does this sound  
10 accurate?

11 A Not quite, but it's pretty much in  
12 the ballpark of it, 6:00 a.m. to 3:00 p.m. was  
13 pretty much the schedule. I don't believe he  
14 ever had an 8:00 a.m. to 3:00 p.m. schedule, it  
15 would have been a 6:00 or a 7:00.

16 Q Do you know if plaintiff was assigned  
17 more hours or less hours following his leave of  
18 absence?

19 A He was assigned to all of the  
20 breakfast shifts that we had, as he was --  
21 that's what he originally was hired for. And  
22 since his leave of absence, we had finally  
23 started opening up the breakfast schedule, so I  
24 put him on the shift that he had requested for  
25 the breakfast shifts only.

1           Q     So prior to taking the leave of  
2           absence was he working on the breakfast shift  
3           or some other shift?

4           A     There was no breakfast shifts to be  
5           had when we first opened, as we were still in  
6           the grand opening month. So once grand opening  
7           happened, we decided Labor Day weekend we would  
8           start rolling out the breakfast buffet, I mean  
9           breakfast restaurant. So pretty much right  
10          when he came back was when breakfast started  
11          opening.

12          Q     Is there any reason why he was  
13          assigned to work those breakfast shifts and no  
14          longer the shifts that he was working prior to  
15          taking his leave of absence?

16          A     Yes, prior to even him taking a leave  
17          of absence, he kept asking everyone, you know,  
18          when is breakfast opening, when is breakfast  
19          opening, I prefer the breakfast shift, I've  
20          always worked breakfast shifts, when are you  
21          opening breakfast.

22          Then when he came back, I let him know  
23          breakfast is on, we're ready to open up  
24          breakfast, and he will be the breakfast cook.  
25          He was the only breakfast cook.

1           Q     And did he know that it's not going  
2           to be seven days a week, but only three days a  
3           week?

4           A     It wasn't only going to be three days  
5           a week. We had just started the process of  
6           opening up the breakfast. So we started off on  
7           a Friday, Saturday, Sunday. And then the next  
8           week was Friday, Saturday, Sunday, now we're  
9           into Labor Day weekend. And then as time was  
10          progressing, it was going to be more shifts.  
11          We didn't do seven days a week breakfast until,  
12          I think almost December.

13          Q     2021?

14          A     2021. Depending on holidays and what  
15          the week was like, it could have been three  
16          days, four days, or five days.

17          Q     And as of today, is Margaritaville  
18          serving breakfast seven days or three days?

19          A     We are on full shift, on seven days  
20          now.

21          Q     Aside from plaintiff, who else worked  
22          that breakfast shift following his leave of  
23          absence?

24          A     Following his leave of absence --  
25          once Mr. Nofal no longer worked with us, I

1           worked the breakfast shifts for roughly two  
2           weeks. And then after that, Efrain Vasquez was  
3           hired.

4           Q       When was he hired?

5           A       I don't know the exact date, ma'am.

6           Q       How much time do employees that work  
7           breakfast shift have in order to get ready  
8           before they start serving it to the customers?

9           A       An hour and a half. Shifts start at  
10          6:00 a.m., and breakfast opens at 7:30. I  
11          think back then we might have even opened at  
12          8:00 a.m.

13          Q       And how about lunch, how much time  
14          did employees have in order to get ready for  
15          that shift?

16          A       Employees come in at 9 o'clock for  
17          lunch, and we open up at 11 o'clock. And there  
18          is seven stations to be set up, versus  
19          breakfast is one station.

20          Q       And how about dinner, how much time  
21          did employees --

22          A       Dinner, they come --

23                   THE COURT REPORTER: Sorry, there was  
24                   overtalk.

25                   MS. TATURA: I'm sorry, my connection

1 is not working.

2 (Tech off the record.)

3 MS. TATURA: I'm sorry, did I get a  
4 response?

5 (The prior partial question and partial answer  
6 were read back by the reporter.)

7 Q So as to the dinner, how much time  
8 did employees have in order to get ready to  
9 serve dinner to customers?

10 A Zero minutes, they walk straight into  
11 the line.

12 Q No work needed to be done, like prep,  
13 restocking, produce, or if they were running  
14 low on some ingredients?

15 A If the p.m. shift -- are you taking  
16 about the p.m. shift?

17 Q Yes.

18 A The p.m. shift, they immediately walk  
19 into the line straight onto the shift. Usually  
20 what will happen is the lunch person that's  
21 leaving will do a full restock before they go  
22 home, to make sure that they have everything  
23 set for the p.m. shift.

24 Then if during the shift something runs  
25 out, they will ask can I leave the line to go



1 get this product, or can somebody go get this  
2 product for me if they're going down.

3 Q What work do employees need to do in  
4 order to get ready for the breakfast shift, in  
5 order to be able to serve the customers?

6 A They walk into the kitchen, set up  
7 basically the dish area, put out the trash  
8 cans, turn on all of the equipment, start  
9 cooking potatoes, make their pancake mix, make  
10 oatmeal, make sausage, make hash browns. Uhm,  
11 turn on pretty much everything for the line and  
12 set up the plates. Pretty much it. That's  
13 about it.

14 Q Do you think one and a half hours is  
15 enough to do all of this work in order to get  
16 ready for the breakfast shift?

17 A Yes, ma'am. After every shift the  
18 day before -- we end breakfast at 11 o'clock  
19 a.m., so you have from 11 o'clock a.m. until  
20 3:00 p.m. that you go home to reset yourself  
21 for the next day, so in the morning all you're  
22 doing is basically cooking everything.

23 So you cook your bacon, your sausage and  
24 your potatoes, and then at that point you're  
25 turning on all of the equipment so everything

1 is within reach. If you choose not to set  
2 yourself up appropriately the day before, then  
3 you will find yourself running behind.

4 Q Right. So how about when the  
5 breakfast is open only three days, like in  
6 August 2021, would it be fair to say that on  
7 Sunday employees were not able to get ready for  
8 upcoming Friday, because that would be too many  
9 days in between?

10 A No, ma'am. Actually, the day before  
11 is actually the setup day. So in the Friday  
12 shift, breakfast isn't served, that's just a  
13 shift to set up for Saturday and Sunday.

14 So it's really only a two-day breakfast  
15 shift. Friday was the actual setup day to prep  
16 yourself to get ready for Saturday. And then  
17 you work Saturday, Sunday. Everything that was  
18 left over was given to the line, and then you  
19 set up on Friday for the next weekend.

20 Q Okay, thank you. Let's go back to  
21 the complaint. I'm just hoping I'm not going  
22 to lose connection again. Just give me one  
23 second.

24 Okay. Go to paragraph 35. Do you see  
25 where it says:

1           "On August 27th, 2021 plaintiff complained  
2           to Natalie Cohee about Margaritaville reducing  
3           his work hours following his short-term  
4           disability leave."

5           Is there any reason to believe that this  
6           is not accurate?

7           A     Yes, ma'am, that's not accurate.

8           Q     He never complained to you about  
9           Margaritaville reducing his work hours at all,  
10          or on this date?

11          A     No, about his disability, it had  
12          nothing to do with his disability.

13          Q     So what exactly did he complain about  
14          to you? If he did.

15          A     On or about August 27th, as he's  
16          saying, he had asked me why was he only working  
17          three days. I explained to him that he was  
18          hired and had asked only for breakfast shifts,  
19          per his request originally. We had just opened  
20          up our breakfast shift, as things picked up we  
21          will have more shifts. But he never was  
22          understanding that it was only for -- that he  
23          only had requested breakfast shifts, so that's  
24          the shifts that I was giving him.

25          Q     When he complained to you on or about

1           this date, did he ever mention anything to you  
2           about discrimination?

3           A     No, ma'am.

4           Q     Did he ever mention anything about  
5           discrimination at any other time in August or  
6           September of 2021?

7           A     No, ma'am.

8           Q     Let's go to paragraph 38, it says:  
9           "Following plaintiff's complaints about  
10          discrimination in plaintiff's presence, Natalie  
11          Cohee telephoned HR."

12          Is this accurate, according to you, or  
13          this never happened?

14          A     No, ma'am, nothing about  
15          discrimination.

16          Q     Right, but did you ever call HR in  
17          plaintiff's presence?

18          A     Yes, ma'am. Well, not directly in  
19          his presence, I had made the phone call and  
20          then went and got the plaintiff.

21          Q     What was it that you called about?

22          A     I had contacted Hector at that moment  
23          to let him know that I was having issues with  
24          Abdel. And Abdel had made a comment to me, of  
25          I know -- something along the effect of "I know

1           your type of people", and it just wasn't  
2           sitting right with me at that moment.

3           Q     What do you mean "your type of  
4           people"?

5           A     Exactly, that's what I did not  
6           understand.

7           Q     Did you find that to be  
8           inappropriate?

9           A     Yes, at that moment it was  
10          unwarranted.

11          Q     And when was this call with Hector?

12          A     Uhm, the same day, whenever -- I  
13          would have to look it up, like a phone record  
14          at that moment. It would have probably been  
15          around August 27th. So if he's saying 27th,  
16          maybe it's the 27th or 26th. I'm not sure of  
17          the exact date.

18          Q     And do you know if Hector  
19          memorialized this in some sort of a document,  
20          in an email, a phone log, anything like that?

21          A     I have no recollection of that.

22          Q     And let's go to paragraph 39:

23                 "While on a speakerphone, HR (name  
24                 currently unknown) promised to get back to  
25                 Nofal, but never did."

1           Do you have any reason to believe that  
2           this is not accurate?

3           A     I have no idea.

4           Q     Let's go to paragraph 41.

5           And just for the record, what is your race  
6           and national origin? And the reason I'm asking  
7           is only related to this lawsuit.

8           A     I'm white, American citizen.

9           Q     Do you see where in the paragraph it  
10          says -- paragraph 41 it says:

11          "Plaintiff is an individual who follows  
12          Islam."

13          Did you know that he is Muslim?

14          A     No, ma'am, not at that moment.

15          Q     When did you become aware that he's  
16          Muslim?

17          A     At the moment, ah -- it was the day  
18          that we were cooking bacon.

19          Q     Was that September 6th?

20          A     Yes, ma'am, I believe so.

21          Q     How did you become aware of his  
22          religion on September 6th?

23          A     I was asking Nofal if he had ever  
24          cooked bacon before, and he told me something  
25          to the effect of no, I'm Muslim. I said, okay,

1 have you ever cooked bacon at the Marriott, you  
2 worked Marriott 25 years, how do you not know  
3 how to cook bacon at this point, something  
4 along the effect of that.

5 Q And what did he respond to that?

6 A He said I cooked bacon there, but we  
7 cooked it in the oven.

8 Q Did he mention anything about not  
9 eating bacon because of his religion during  
10 that conversation?

11 A No.

12 Q Let's look at paragraph 42:

13 "Pursuant to his religion, plaintiff  
14 cannot eat pork."

15 Did you know that?

16 A No, I didn't -- we never got into a  
17 discussion about him being able to eat it or  
18 not. Once he said he was Muslim, that's it.

19 Q Let's look at paragraph 43:

20 "On September 6th, 2021 as plaintiff was  
21 working next to the stove cooking the eggs,  
22 Natalie Cohee rudely said to plaintiff 'move,  
23 move, move'."

24 Is that accurate?

25 A No, ma'am, he was never cooking eggs

1 at any moment during these interactions.

2 Q But is it true that at some point in  
3 September of 2021 you demanded that plaintiff  
4 had to move, and you repeated "move" at least  
5 three times?

6 A No, ma'am, that's inaccurate.

7 Q And let's look at paragraph 44:

8 "Although Natalie was aware that plaintiff  
9 had issues with his toe because of his  
10 disability and saw him limping, she kept  
11 harassing him to move quickly to the end of the  
12 cooking station, which was 30 feet long."

13 Is any of this accurate, according to you?

14 A No. Not -- incomplete, no.

15 Q Is there anything that is accurate in  
16 this sentence?

17 A I had definitely mentioned to Abdel  
18 that he needed to make sure to maximize  
19 productivity, because at this point he was  
20 falling immensely behind in getting the  
21 breakfast set up at the point where we were not  
22 able to open up breakfast on time.

23 Q Was he too slow, or what was the  
24 issue with his performance?

25 A He was doing everything his way, and



1 his way only.

2 Q Let's look at paragraph 46. There is  
3 a dialogue that, according to plaintiff,  
4 happened between the two of you.

5 "Natalie Cohee rejected plaintiff's  
6 suggestion and the two exchanged the following  
7 statements:"

8 Natalie: "I know you're Muslim, you don't  
9 like that (referring to pork.)"

10 Nofal: "Yes, I don't eat pork."

11 Natalie: "You should not work."

12 Nofal: "I don't eat it, but I cook it."

13 Natalie laughed: "I know where you are  
14 coming from ... even sometimes you have to  
15 taste this (referring to bacon) to do this  
16 job."

17 Nofal: "Why comment?"

18 Natalie: "You don't like it, go home."

19 Is any statement in this paragraph  
20 accurate?

21 A Uhm, not -- no, not at all how it  
22 went.

23 Q Can you explain to me -- and you  
24 started to, but can you explain to me in full  
25 what was the dialogue from the very beginning

1 to the end, to the best of your recollection?

2 A Yes. To the best of my recollection,  
3 was basically Nofal was at first shown how to  
4 cook sausage on the flattop, the proper  
5 procedure on how they cook sausage on the  
6 flattop. Every single time I showed him, he  
7 still had his way, so he would go back and do  
8 it the wrong way. I showed him again.

9 So now it was time for the bacon. The  
10 week prior I just showed him how to cook the  
11 bacon on the flattop. At this point he puts  
12 the bacon on the flattop, and basically makes  
13 scrambled eggs out of bacon, is what I call it,  
14 it's just mixing all of the bacon all over the  
15 place, and not cooking it evenly. Which would  
16 end up causing half raw bacon and half cooked  
17 bacon.

18 The second time I came back over, I said  
19 Nofal, you have to -- well, actually, I said,  
20 Ab, you need to put the bacon on the flattop  
21 and leave it there, let it cook, and then flip  
22 it over. You can't scramble it around on the  
23 flattop, or it's not going to cook evenly.

24 I come back over and I said have you ever  
25 cooked bacon before. He said no. I think at

1       that point he said, no, I'm Muslim. I said,  
2       okay, but you worked at the Marriott, so I know  
3       you know how to cook bacon. Well, we cooked  
4       bacon in the oven. And I said, okay, but we're  
5       cooking it on the flattop. He said why can't  
6       we cook it in the oven. I said the oven is on  
7       the 32nd floor, are you going to run all the  
8       way up to the 32nd floor to cook the bacon and  
9       come back down here. We're doing 20 covers,  
10      you were used to doing roughly -- I don't know  
11      what number I said -- but it doesn't make sense  
12      for us to go all the way to the 32nd floor to  
13      cook bacon, when we can cook it here on the  
14      flattop.

15             That's basically I think the end of the  
16      conversation. It might have -- I think -- I'm  
17      thinking about it. He was pretty adamant about  
18      cooking it in the oven, and I kept telling him,  
19      no, it has to be done on the flattop.

20             Q       So you never encouraged him to try to  
21      eat bacon, knowing that he's Muslim and knowing  
22      that he is not able to eat it due to his  
23      religion?

24             A       No, ma'am. I worked 16 years in  
25      kosher, I would never even insinuate that upon

1           anybody.

2           Q     Let's look at paragraph 49.

3           "On September 10th, 2021, plaintiff  
4 arrived to work at 12:30 p.m. and was called  
5 into a meeting with a female employee, (Name  
6 Currently Unknown), and Natalie Cohee."

7           Was there a meeting on September 10th?

8           A     Sorry, what was that last part?

9           Q     Was there a meeting on September  
10 10th?

11          A     It could have been September 10th,  
12 either the 9th or 10th, yes, ma'am.

13          Q     And do you recall having a meeting  
14 with plaintiff and another female employee?

15          A     Yes, ma'am.

16          Q     And who was that other female  
17 employee?

18          A     Kylie Featherby.

19          Q     And what happened during that  
20 meeting, to the best of your recollection?

21          A     Mr. Nofal was let go.

22          Q     What was the reason for him being let  
23 go?

24          A     Code of conduct. Insubordination, I  
25 think.

1           Q     Who decided that that was the reason  
2     for termination for plaintiff?

3           A     It was literally, within the property  
4     level, it was myself and Kylie. And then it  
5     was sent off to Hector to be approved.

6           Q     And anybody else?

7           A     Those are the only three people, I  
8     believe. Including myself.

9           Q     So according to the responses that we  
10    received from your attorney, aside from  
11    yourself, other people that participated in the  
12    decision to terminate plaintiff were also  
13    Michael Roberts, who is the general manager,  
14    and the others you mentioned, Hector, yourself,  
15    and Kylie.

16           Do you know what was the input that  
17    Michael Roberts did into the decision to  
18    terminate plaintiff?

19           A     He wasn't actually in the decision of  
20    terminating, he was a witness to the blatant  
21    insubordination from Mr. Nofal.

22           Q     And when was he witness to that  
23    incident?

24           A     I would have to look at the notes. I  
25    forgot what exact date, but it was roughly

1           around the 6th or 7th.

2           Q     And when you mention notes, what  
3           notes are you referring to?

4           A     As in like the documentations that  
5           they wrote for the writeup. The witness  
6           statements, I guess you would call it.

7           Q     When you say "they", who are you  
8           referring to?

9           A     Michael Roberts, and Chris Castiello,  
10          and Robert Taylor, which was the director of  
11          security.

12          Q     Was the plaintiff given any document  
13          on September 10th when he met with you and the  
14          other employee, Kylie Featherby?

15          A     As all policy is when you're given a  
16          writeup, all requests go straight to HR for  
17          them to give you the official copy. And we  
18          informed him of that, and gave him Hector's  
19          number that he could contact to get any  
20          documentations that he would like.

21          Q     So let me ask you, because this is a  
22          "yes" or "no" question --

23          A     Sorry.

24          Q     Was he given a copy of that document,  
25          or not?

1           A     Not at that time, no.

2           Q     Was he asked to sign that document,  
3     though?

4           A     Yes, ma'am.

5           Q     Did he know what he was about to sign  
6     or not to sign, was he given an opportunity to  
7     review the document?

8           A     Yes, ma'am.

9           Q     And so did plaintiff, to your  
10    knowledge, request a copy of it from HR?

11          A     I have no idea.

12                MS. TATURA: I'm going to show you  
13     one more document to look at, which will  
14     be marked as Exhibit 2.

15                (Exhibit 2 marked for  
16     identification.)

17          Q     These are some emails that you  
18     exchanged with the plaintiff on August 18,  
19     August 19, and August 20, 2021.

20                If you need a little bit of time to look  
21     at it, let me know, I can wait.

22          A     I'm aware of them, ma'am.

23          Q     Let's look at the email dated August  
24     19, 2021 from you to plaintiff. And I just  
25     have one question about the sentence that

1 starts with:

2 "Your 90-day probation period will start  
3 on the 26th as part of the condition of  
4 employment from when you were hired."

5 The question I have is why plaintiff's  
6 probation period was about to start on August  
7 26th, if he started his employment with  
8 Margaritaville end of May?

9 A To my recollection, it's because of  
10 the fact that he did not complete within the  
11 90-day period. So because he took the leave of  
12 absence, since he was granted the leave of  
13 absence, his 90 days would restart because it  
14 was within the 90 days.

15 Q And is there any policy that would  
16 reflect that, or was that just your decision to  
17 do that?

18 A That would be Hector or Pedro.  
19 That's above my pay grade.

20 Q Did they give you some kind of  
21 instructions, or how did you find that out from  
22 Hector and Pedro?

23 A Yes, ma'am, Hector informed me that  
24 he would have to start his 90-day probation  
25 over.



1           Q     Did he send you an email to that  
2           extent, did he call you -- how did he let you  
3           know about that?

4           A     I do not recollect how, where I got  
5           that from. Or when we spoke about it, I guess,  
6           before I sent the email.

7           Q     In other words, it wouldn't be your  
8           decision to do that, that would be HR?

9           A     Absolutely.

10          Q     And do you know if any employment  
11          that plaintiff had with Margaritaville before  
12          taking his leave of absence counts towards this  
13          90-day probation period, or not?

14          A     I do not believe so, it was a  
15          restart.

16          Q     And was this policy applied to  
17          everybody at Margaritaville in the same way?

18          A     I have never had anybody that has  
19          taken a disability or a leave of absence within  
20          90 days, so I do not know.

21                 MS. TATURA: Okay, I will show you  
22                 one more document. That will be marked as  
23                 Exhibit 3.

24                 (Exhibit 3 marked for  
25                 identification.)

1           Q     Let me know if you need a few minutes  
2     to look at it.

3           A     I got it.

4           Q     Have you seen this document before?

5           A     Yes, I believe so.

6           Q     When was the last time you've seen  
7     it?

8           A     I can't -- I don't know exactly when,  
9     I've just seen the document.

10          Q     Okay. And what do you recognize this  
11     document to be?

12          A     The Americans with Disabilities Act,  
13     basically, going over everything.

14          Q     So this document is only two pages,  
15     as you can see.

16                 Do you know if this is the entire policy  
17     that Margaritaville has as to Americans with  
18     Disabilities Act, or is there something else in  
19     addition to these two pages?

20          A     I do not know if there is more pages  
21     that they have besides our training -- there  
22     might be another training that would have been  
23     done.

24          Q     But you're not sure?

25          A     I'm not sure, ma'am.

1           Q     Would you be able to go back to your  
2     computer, or log-in and check if there is  
3     anything else that Margaritaville has as a part  
4     of its policy as to the Americans with  
5     Disabilities Act -- would you be able to do  
6     that?

7           A     Not at this current moment, no.

8           Q     I mean in the future.

9           A     Yes, I could.

10          MS. TATURA: Thank you. Let me show  
11     you one more document. That will be  
12     marked as Exhibit 4.

13                 (Exhibit 4 marked for  
14     identification.)

15          Q     We are looking at the schedule from  
16     July 19, 2021 to July 25, 2021.

17                 Do you see this schedule?

18          A     Yes.

19          Q     It looks a little tiny. Let me know  
20     if you need me to increase it even more.

21          A     No, ma'am, I can read it.

22          Q     Have you seen this document before?

23          A     Yes, ma'am.

24          Q     And do you know who printed this  
25     schedule from, it looks like HotSchedules

1 application?

2 A That was probably myself.

3 Q And what was the purpose for you  
4 printing it, if you recall?

5 A They asked me to print it out for his  
6 scheduling. HR.

7 Q Okay, thank you. Was that Hector or  
8 somebody else?

9 A That would have been Hector, ma'am.

10 Q And did he do that in writing, by  
11 email, did he call you up -- how did he request  
12 that you print it out?

13 A I think that was sent via email.

14 Q Do you see where it says Abdel Nofal,  
15 the first employee --

16 A Yes, ma'am.

17 Q -- listed as the first employee on  
18 the schedule?

19 A Yes.

20 Q And can you tell me by looking at  
21 this schedule, what days was he scheduled to  
22 work?

23 A This one he was scheduled Wednesday,  
24 Thursday, Friday, Saturday, Sunday.

25 Q And by looking at this schedule, can

1           you tell me how many hours was he scheduled to  
2           work on those days?

3           A       Roughly 40 hours.

4           Q       Do you see where it says, next to  
5           "line", "line", "MV line"?

6           A       Yes, ma'am.

7           Q       Can you please tell me what "MV line"  
8           stands for?

9           A       That is the Margaritaville side of  
10          the kitchen.

11          Q       What's the significance of adding "MV  
12          line" next to the employee's schedule?

13          A       Each employee, that's their  
14          designated, the line that they're working on.  
15          So you will notice some say LandShark, some say  
16          prep, some say Margaritaville line, each one of  
17          those are the lines that they're working.  
18          Which is basically the side of the kitchen that  
19          they're working, because we have two kitchens  
20          in one main kitchen.

21          Q       So is "line" and "MV line" pretty  
22          much the same type of work, it's just for two  
23          different stations?

24          A       It's two different physical lines on  
25          the kitchen, yes. You could be a LandShark

1 line cook or a Margaritaville like cook,  
2 basically, is what that is stating to you.

3 Q Okay, thank you. Based on this  
4 schedule, is line, MV line different from other  
5 employees here marked as cook, prep?

6 A So if you have line, LandShark line,  
7 Margaritaville line, those are line cooks. If  
8 you have cook slash prep line, those are prep  
9 cooks. It's the way the system calculated --  
10 that's the way you schedule it to help identify  
11 when you print the schedule, to let the people  
12 know which area of the kitchen they're going  
13 to.

14 Q But is it fair to say that all of  
15 those employees are in the same shoes,  
16 similarly situated?

17 A No, ma'am.

18 Q Why are they not similarly situated?

19 A Prep cooks are prep cooks, so it's a  
20 prep line. Line cook Margaritaville is a  
21 Margaritaville line cook, it's a station cook.  
22 LandShark line, those are station cooks as  
23 well. So prep cooks and dish as you will see,  
24 are not all the same.

25 Q I mean like salary-wise or the

1           sophistication of the duties, are they in any  
2           way different or are they the same?

3           A     Yes, ma'am, they are different.

4           Q     Different. So is it fair to say that  
5           on this particular schedule, employees, such as  
6           Christopher, which is number 7, and Manuel at  
7           the end, if you can see, and Marcelo, they are  
8           all in the same position as Abdel, because they  
9           are all marked as "line", "line" and "MV line"?

10          A     Yes, line, line, and MV line are all  
11          the same positions.

12                MS. TATURA: Thank you. Let's look  
13           at another exhibit. That will be marked  
14           as Exhibit 5.

15                (Exhibit 5 marked for  
16           identification.)

17          Q     We are looking at the schedule from  
18           August 23, 2021 to August 29, 2021. Let me  
19           know if you need a few minutes to look at it.

20          A     No, I know exactly which one this is.

21          Q     And have you seen this document  
22           before?

23          A     Yes, I have seen this.

24          Q     Do you see where next to Abdel, the  
25           plaintiff in this case, it no longer says "MV

1 line" it only says "line".

2 Do you see that?

3 A Yes, ma'am.

4 Q Is there any reason why "MV line" was  
5 removed from Abdel's schedule?

6 A This is a breakfast cook position,  
7 and actual food was being -- although it's  
8 Margaritaville, was actually being cooked on  
9 the LandShark side. But since he was on the  
10 Margaritaville original side, he would just  
11 have the line cook position, because it would  
12 confuse everyone if I put LandShark line cook,  
13 because there was nothing to be done in the  
14 morning on LandShark line, so he became the  
15 breakfast position, which is just line cook.

16 Q But he never worked at the LandShark  
17 line; did he, before?

18 A He never, ah -- that's kind of  
19 difficult to answer, because yes, he was on  
20 LandShark line, not a LandShark line cook.

21 We served breakfast on LandShark line, but  
22 yet it's for Margaritaville. So it's a little  
23 complicated, because of the way the kitchen is.

24 Q Is there any document that would  
25 reflect the layout of the kitchen, of the



1 lines, of the stations?

2 A Yes, ma'am.

3 MS. TATURA: To the extent it wasn't  
4 exchanged, I will put it in writing, I  
5 just want to make sure we understand the  
6 layout of the business.

7 Q And when you look at this document,  
8 is it fair to say that Abdel, on Friday, was  
9 scheduled to work at 8:00 a.m., to start work  
10 at 8:00 a.m. and finish at 2:00 p.m., on  
11 Saturday he was scheduled to start at 6:00 a.m.  
12 and finish at 2:00 p.m., and on Sunday he was  
13 scheduled to start at 6:00 a.m. and finish at  
14 2:00 p.m.

15 Is this a fair statement?

16 A Yes, ma'am.

17 Q I know previously you mentioned that  
18 it's unlikely that plaintiff would be scheduled  
19 to start at 8:00 a.m., but is it possible that  
20 he could start on August 27, 2021 at 8:00 a.m.,  
21 according to this schedule?

22 A Yes, ma'am, that was referring to an  
23 actual breakfast shift. Like I mentioned,  
24 Friday is a prep day, so Friday he would work  
25 an 8:00 a.m. shift. But for a breakfast shift,

1 he would never come in at 8:00 a.m., we would  
2 be open already, so he would only work  
3 6:00 a.m. But on a prep day like Friday was to  
4 get ready for Saturday, yes, 8:00 a.m.

5 Q Is it fair to say that looking at the  
6 schedule, Abdel Nofal worked only 20 hours  
7 during this period?

8 A Yes, ma'am, due to the fact that he  
9 was still on leave until the 27th, when he  
10 returned back to work.

11 Q Let's look at the same employees that  
12 we looked at in the previous schedule.

13 Christopher, Marcelo, Manuel, and I think  
14 there was an employee named Khadijah, if I'm  
15 pronouncing that properly.

16 Is it fair to say that these mentioned  
17 employees worked substantially more hours than  
18 Abdel Nofal, based on the schedule?

19 A Only because he was still out on  
20 leave for disability leave, until the 27th.

21 MS. TATURA: Let's look at another  
22 exhibit. That will be marked as  
23 Exhibit 6.

24 (Exhibit 6 marked for  
25 identification.)

1           Q     And, again, if you need more time,  
2     let me know, I can wait.

3           A     Yes, ma'am.

4           Q     We are looking at the schedule from  
5     August 30th, 2021 to September 5, 2021.

6                     And again, is it a fair statement that  
7     there was no "MV line" next to Abdel Nofal's  
8     name on the schedule?

9           A     Correct.

10          Q     And is it the same reason why "MV  
11     line" was removed as you explained a few  
12     minutes ago, when we looked at the Exhibit  
13     number 4?

14          A     Yes, ma'am. For allocating it as a  
15     breakfast shift.

16          Q     And is it fair to say that Abdel  
17     again is scheduled to work only three days,  
18     Friday from 8:00 to 2:00, Saturday from  
19     6:00 a.m. to 2:00, Sunday from 6:00 a.m. to  
20     2:00?

21          A     Yes, ma'am, as requested to be a  
22     breakfast cook.

23          Q     Just respond to my question. I  
24     understand that you're trying to provide  
25     additional, but I don't want to strike that

1 from the record. So just listen carefully to  
2 the question and respond to that, if you can.

3 Is it fair to say that Abdel Nofal worked  
4 approximately 20 hours during this pay  
5 period -- I mean during this period?

6 A Probably 24 something, yeah.

7 Q And let's look again at those  
8 employees that we looked at previous schedule,  
9 such as Christopher, and Khadijah, and Manuel  
10 and Marcelo.

11 By looking at the schedule, is it fair to  
12 say that none of them is working as little  
13 hours as Abdel Nofal for this period?

14 A They were hired for a different  
15 position.

16 Q But by looking at this schedule,  
17 isn't it fair to say that they are working more  
18 days, more hours than Abdel Nofal?

19 A Yes, ma'am, based off of their  
20 position.

21 MS. TATURA: I'm going to show you  
22 one more exhibit. That will be marked as  
23 Exhibit 7.

24 (Exhibit 7 marked for  
25 identification.)

1           Q     Let me know if you need some time to  
2 look it over.

3           A     Yes, ma'am, I am familiar with this.

4           Q     So we are looking at a witness  
5 statement. It says your name on it and your  
6 position. And it says:

7                 "On Monday, September 7, '21, Abdel Nofal  
8 multiple times became combative", and so on.

9           Isn't it true that Abdel did not work on  
10 September 7?

11          A     Yes, it was actually the Sunday.

12          Q     So is it fair to say that you meant  
13 to say September 6 and not September 7?

14          A     Yes, ma'am, September 6.

15          Q     Was this an oversight, an honest  
16 mistake, or did you prepare this on  
17 September 7?

18          A     It was an oversight.

19          Q     Let's go down to Section 1.  
20 According to you:

21                 "Please bump the screen, I had to ask more  
22 than seven different times, to the point I had  
23 to keep going behind the line."

24                 The question I have is about seven  
25 different times. Are we talking about the

1           September 6, or are you talking about seven  
2           different times in the past, including  
3           September 6?

4           A       On September 6, that specific day, I  
5           had to go seven, more than seven times. But,  
6           yes, on the 6th.

7           Q       Okay. And give me one second.

8           Right, we are looking at page 2 now. I  
9           would like you to look at the end of the first  
10          paragraph.

11          "Abdel was extremely combative with me the  
12          entire morning."

13          The question I have, when you said "entire  
14          morning", did you refer to the entire shift,  
15          did you -- what did you mean by that, "entire  
16          morning"?

17          A       From roughly 6:00 in the morning  
18          until the moment he left.

19          Q       Would that be 2:00 p.m.?

20          A       No, I think he left earlier. He left  
21          without even coming to me. So I don't know, I  
22          don't remember exactly what time he left. I  
23          know that he never checked out with me, he just  
24          left.

25          Q       Would that be reflected on punch-in/

1 punch-out records?

2 A Yes, ma'am.

3 Q We are still looking at this  
4 document. The question I have is about the  
5 very last sentence of this statement, where it  
6 says:

7 "Mike was present for this as well".

8 Do you know Mike's last name?

9 A Michael Roberts.

10 Q And do you know if Michael Roberts  
11 prepared a statement just like other employees  
12 did that you referenced before?

13 A Yes. Michael Roberts is the general  
14 manager, he prepared a statement.

15 Q And do you know if the statement was  
16 exchanged in this case through your attorney?

17 A Yes.

18 MS. TATURA: I will show you one more  
19 document. That will be marked as  
20 Exhibit 8.

21 (Exhibit 8 marked for  
22 identification.)

23 Q We are looking at a performance  
24 correction notice, dated, ah, I believe  
25 September 6, 2021.

1           A     Yes.

2           Q     Is this your signature at the  
3 manager's signature?

4           A     Sorry, there's something on the  
5 screen that's blocking it.

6           Q     I'm sorry.

7           A     No, it's okay. There, I got it.  
8 Yes, ma'am, that's my signature.

9           Q     Have you seen this document? Well,  
10 obviously before you signed it, but --

11          A     Yes, ma'am.

12          Q     Have you seen it anytime recently  
13 before your deposition?

14          A     No, ma'am.

15          Q     Is there any reason why there is no  
16 signature by the plaintiff on this document?

17          A     Yes, ma'am. That was to be given to  
18 him with Chris Castiello and Michael Roberts  
19 for the insubordination on the day of 9/6, but  
20 Mr. Nofal walked out after the shift without  
21 coming to speak with me after being requested  
22 to come see me before he left.

23          Q     How did you request him to come to  
24 see you -- verbally, by email, text message?

25          A     Verbally in the prep kitchen, as well



1 as no employee is allowed to leave or clock out  
2 without getting checked out before he left.

3 Q Was there anybody that witnessed that  
4 you requested Abdel Nofal to show up for that  
5 meeting with you on September 6?

6 A There was many people in the prep  
7 kitchen, I'm not sure if they would -- if they  
8 would have ever heard that. I would never be  
9 loud about that, that would be something more  
10 quiet, not like "come see me now". It would be  
11 more like I need you to come on a one-to-one  
12 basis. I would never publicly put something  
13 out like that.

14 Q Okay. Where did you get this form  
15 from -- it looks like it's a standard form that  
16 was issued by Margaritaville in 2014, and then  
17 revised sometime later -- where did you get the  
18 form?

19 A Out of my file compartment. I have  
20 all of our company documents in folders.

21 Q And is there any reason why you  
22 decided to issue that performance correction  
23 notice for the incident that happened on  
24 September 6, and did not issue any notice like  
25 this in June as to the incident that you

1 described previously, raw meat handling,  
2 mishandling, and the other incident that  
3 happened a week later?

4 A Like I had mentioned before, those  
5 were more of a corrective coaching type of  
6 thing, a one-on-one based off of performance on  
7 sanitation and safety.

8 That's not something that you would  
9 immediately write somebody up for, unless if  
10 they blatantly decided to continue to do  
11 something so negligent. So I would never have  
12 written somebody up for a one-time sanitation  
13 safety issue. You've got to give them a shot  
14 at this point.

15 Q By the way, when the health  
16 department shows up for the inspection, are you  
17 present for those?

18 A Yes, ma'am, I'm the only one that  
19 walks them.

20 Q And what was the grade that  
21 Margaritaville got in 2021?

22 A Uhm, no inspection was given in 2021,  
23 as it was the grand opening. I think we  
24 officially started getting our inspections in  
25 August.

1 Q What was the grade -- go ahead.

2 A 99, 100, and 98.

3 MS. TATURA: Let me show you one more  
4 document. That will be marked as  
5 Exhibit 9.

6 (Exhibit 9 marked for  
7 identification.)

8 Q Again, let me know if you need a  
9 little bit more time to look at this.

10 A Yes, ma'am, I'm aware of that.

11 Q Have you seen this document before?

12 A Yes, ma'am, I created it.

13 Q When was the last time that you  
14 looked at this document?

15 A Maybe a couple of weeks ago.

16 Q What was the reason that you looked  
17 at it a couple of weeks ago?

18 A It was just a refresh on the case.

19 Q Was that -- did you discuss this  
20 document with anybody other than your lawyer?

21 A No.

22 Q Is there any reason why plaintiff is  
23 marked as part-time on this document?

24 A As just like he was hired, part-time.

25 Q But he didn't work part-time until he

1           took the leave of absence; correct?

2           A     He was hired as part-time.

3           Q     But any schedule we looked at prior  
4           to taking a leave of absence, it looked like he  
5           worked five days a week; didn't he?

6           A     That was for the grand opening.

7           Q     Was plaintiff offered an opportunity  
8           to see this document?

9           A     It was given to him.

10          Q     So, yes, he was given an opportunity?

11          A     Yes, sorry.

12          Q     And did you exchange any emails with  
13          Kylie Featherby regarding this particular  
14          document on the day of or before September 10,  
15          2021?

16          A     No email regarding this. Not to my  
17          recollection, no.

18          Q     Did you take any notes that would  
19          reflect any conversations you had with  
20          Ms. Kylie leading up to this event on September  
21          10, 2021?

22          A     No, ma'am.

23          Q     Can you please tell me whose  
24          signature is that next to the staff member  
25          signature?

1           A     That's mine.

2           Q     Okay, that's yours.

3                   MS. CABRERA: Can we take a quick  
4           break?

5                   MS. TATURA: Yes.

6                               (Recess.)

7           Q     Did Margaritaville hire any new  
8           employees during the time when plaintiff took  
9           the leave of absence or after he came back?

10          A     Yes, Margaritaville did.

11          Q     How many employees did Margaritaville  
12          hire?

13          A     Roughly, maybe 100.

14          Q     And were any of those employees that  
15          were hired for the position of line cook, prep,  
16          MV line?

17          A     Yes. I think I was still filling my  
18          shift. Yes.

19          Q     How many line cooks were hired?

20          A     I would have to go back and look.

21          Q     And I will follow up in writing.

22                   Is it true that Margaritaville paid  
23          employees a referral bonus of \$200 for bringing  
24          new employees?

25          A     I do remember something about that

1 during the grand opening.

2 Q Are you aware that plaintiff filed a  
3 complaint with the Division of Human Rights on  
4 September 1st, 2021, just nine days before his  
5 termination?

6 A Not before, no, ma'am.

7 Q Did Margaritaville provide any  
8 uniform to the plaintiff during his employment?

9 A Yes, Margaritaville T-shirts.

10 Q How many T-shirts?

11 A Every employee is given two, with an  
12 option to purchase at 50 percent off, more.

13 Q Anything else in addition to the two  
14 T-shirts that Margaritaville provided?

15 A A Margaritaville hat.

16 Q That's it?

17 A Yes, ma'am.

18 Q Was there an incident where you sent  
19 plaintiff home in order to get his uniform,  
20 because he didn't have one for that day?

21 A Yes, Mr. Nofal came into work with  
22 shorts and flip-flops. Or Crocs, sorry. My  
23 bad, Crocs.

24 Q Is this what Margaritaville does to  
25 employees who forget to bring their uniform for

1           their shift?

2           A     If you don't have the proper uniform  
3           to come and work in the kitchen, yes, you would  
4           either have the option to go home and get it,  
5           or resign from the shift for that day, which  
6           then you would be documented for attendance,  
7           basically a no call/no show because you were  
8           not in proper uniform.

9           Q     Is there any backup uniform that  
10          Margaritaville provided to employees in case  
11          they forgot to bring their uniform, or no?

12          A     Not pants, no, ma'am.

13          Q     You took some statements from  
14          Margaritaville employees regarding plaintiff;  
15          isn't that true?

16          A     From Michael Roberts and Chris  
17          Castiello, yes, ma'am.

18          Q     And how about Robert Taylor?

19          A     Robert Taylor, yes, ma'am.

20                MS. TATURA: We didn't have a  
21                statement from Michael, so I'm going to  
22                request a copy of that.

23          Q     With regard to the --

24                MS. CABRERA: You do have it.

25                MS. TATURA: I'm sorry?

1 MS. CABRERA: You do have it.

2 MS. TATURA: No, we have Chris and we  
3 have Robert. We don't have Michael.

4 MS. CABRERA: It's Bates stamped  
5 000044.

6 MS. TATURA: Okay. I'll check on  
7 that.

8 MS. CABRERA: It's right after  
9 Chris's. It may be throwing you off  
10 because it's in an email, and it's not in  
11 the same -- it's not on the form. So  
12 maybe you skipped over it.

13 MS. TATURA: Okay, give me one  
14 moment, please.

15 MS. CABRERA: I could send it to you  
16 right now if you want it.

17 MS. TATURA: If I have it, there is  
18 no need to. But let me --

19 MS. CABRERA: Sure.

20 MS. TATURA: Yeah, I don't have it.  
21 If you can send me a copy.

22 MS. CABRERA: Give me one sec.

23 (Off the record.)

24 Q Why did you take the statement from  
25 Chris?



1           A     From Chris, because I needed to have  
2           a conversation with Abdel, and Chris was there,  
3           and Abdel never had that conversation.

4           Q     And Chris is your subordinate; isn't  
5           he?

6           A     No, Chris is the front of the house.  
7           He is a general manager now, he was an AGM back  
8           then.

9           Q     So at the time you asked him to make  
10          a statement he did not report to you?

11          A     No, he did not report to me.

12          Q     Did he draft his own statement, or  
13          did you provide some assistance?

14          A     No, he drafted his own.

15          Q     And how about Robert, why did you  
16          take a statement from Robert Taylor?

17          A     Because at that time I knew I was  
18          going to have a sitdown with Mr. Nofal with  
19          Chris about the conduct and his behavior for  
20          that morning. And Robert was in the kitchen  
21          when Mr. Nofal had his outburst with me.

22          Q     And Robert is in security; correct?

23          A     Yes, ma'am, he's the director of  
24          security.

25          Q     Was he the director of security at

1 the time when you asked him to write a  
2 statement?

3 A Yes, ma'am.

4 Q And so he was not your subordinate at  
5 the time that you asked him to write a  
6 statement; is that correct?

7 A No, we work for two different  
8 companies. We don't even -- not even a part of  
9 the same.

10 MS. TATURA: I'm going to show you  
11 one more exhibit. That will be marked as  
12 Exhibit 10.

13 (Exhibit 10 marked for  
14 identification.)

15 Q You previously testified that  
16 plaintiff did not reference anything to  
17 discrimination when he made his complaints  
18 about the hours. I just wanted to clarify, ah,  
19 with the handwritten notes that you made.

20 Let me know if you need a minute to look  
21 at it.

22 A Those are not my handwritten notes,  
23 ma'am.

24 Q Who prepared this note?

25 A I do not know, actually.

1           Q     Is this your -- is this not your  
2     handwriting?

3           A     No, ma'am, that's not my handwriting.

4           Q     Can you read anything that is stated  
5     in these notes? I had trouble understanding  
6     all of it.

7           A     It looks like, "Feels discriminated  
8     because hours have --", something between, "--  
9     he came back."

10          Q     Do you see there is your name on the  
11     upper right side of this document?

12          A     Yes, ma'am.

13          Q     Do you remember if there was any  
14     meeting that you had with anybody that  
15     potentially could be memorialized in this  
16     document?

17          A     This looks like possibly the phone  
18     call that Hector had with Mr. Nofal.

19          Q     Why would your name be on the  
20     document with regard to the phone call that  
21     Hector had with plaintiff?

22          A     Because I'm the one that initiated  
23     that phone call with Hector.

24          Q     Do you have any notes of your own  
25     reflecting the phone call that you had with

1           Hector?

2           A     No, ma'am.

3           Q     Is this the phone call that you  
4           referenced previously that you may have a  
5           record of regarding plaintiff?

6           A     This is the phone call that I made to  
7           Hector about the incident. I'm guessing it's  
8           the one from the 27th that I had stated that I  
9           had made the call to Hector.

10          Q     And is it fair to say that the date  
11          on this document says September 3, 2021?

12          A     Yes, that's accurate.

13          Q     You don't know if this is when the  
14          notes were made or when the phone call took  
15          place?

16          A     I think that it's actually the date  
17          that the phone call was made.

18          Q     And isn't it true that only seven  
19          days later plaintiff was let go from  
20          Margaritaville?

21          A     Yes, ma'am.

22          Q     Have you seen this document before?

23          A     No, ma'am.

24          Q     Is this the first time you're seeing  
25          it today?

1           A     Yes.

2                   MS. TATURA: Just give me one moment,  
3                   please. I believe I received an email,  
4                   I'm going to check.

5                   MS. CABRERA: Okay.

6                               (Off the record.)

7           Q     Okay, let me ask you about this  
8           document that we just looked at, the exhibit  
9           marked as 10.

10                   If you did not receive any complaints  
11           about discrimination from plaintiff, why do you  
12           think Hector would put in his notes upon  
13           conversation with you that there were  
14           complaints of discrimination?

15           A     I don't recollect anything of him  
16           saying discrimination that I heard in that  
17           conversation.

18                   That entire conversation, we put it on  
19           speakerphone, and I know multiple times people  
20           kept coming in and out, because we were in the  
21           main dining room when I actually called Hector  
22           and we were sitting at the table. So unless if  
23           I did not hear him say something, Abdel never  
24           came to me and said you're discriminating  
25           against me, or anything in those words of, ah,

1       because of scheduling, or anything like that.  
2       I don't recall him ever saying anything like  
3       that.

4               Q       And how long was that conversation  
5       with Hector?

6               A       Uhm, maybe five minutes. Five to  
7       eight minutes, max. I mean, it was pretty  
8       quick, actually.

9               Q       Do you remember what else was said by  
10       Hector to you with regard to plaintiff on that  
11       day?

12              A       No, the -- just throughout that  
13       conversation, he had mentioned that -- he did  
14       say that I cut his schedule, and Hector said,  
15       well, we will look into the schedule.

16              But at that moment never were the words  
17       like discriminating against because of the  
18       schedule. The schedule was brought up of, oh,  
19       why do I only have three days working, and then  
20       I immediately followed with, no, you have four  
21       days working this week, you're choosing not to  
22       work on Monday because it's the holiday. And  
23       he said, well, I want my full schedule. And  
24       that's pretty much when Hector said, well, I will  
25       look into the schedule change. And that's

1           about it.

2           It was more just about the scheduling of  
3           him thinking that I was only giving him the  
4           three-day work week, and he wasn't  
5           understanding that it was just the breakfast  
6           until we pick up.

7           Q     Let's look again at this document. I  
8           understand that you did not prepare it, but  
9           because it may have memorialized something that  
10          you spoke about with Hector, I would like to  
11          look at it again.

12          So it looks like the first paragraph, as  
13          you said, feels discriminated because something  
14          about hours went down after he came back.

15          And then the third paragraph says, "feels  
16          that discrimination", in parenthesis, and  
17          correct me if that's not what you see.

18          A     Yeah. It looks like that, yes.

19          Q     Right, that's what I thought. And  
20          then the next paragraph says something about  
21          table 7. Do you remember talking to Hector  
22          anything about table 7?

23          A     I have no idea what table 7 --

24          Q     And then the next paragraph, it looks  
25          like, ah -- the sixth word looks like it was

1           retaliation, and not necessarily discrimination  
2           right after that.

3           Do you see that?

4           A     It informed him -- it sounded --  
5           retaliation, not necessarily discrimination.  
6           Yeah, I see that.

7           Q     Do you remember talking to Hector  
8           about anything related to retaliation,  
9           discrimination?

10          A     This looks like a conversation, that  
11          he was talking with Hector.

12          Q     And then the next page --

13          A     I'm wondering at some -- I almost  
14          want to say at some point, Hector or Abdel,  
15          they, uhm -- it was a very hard language  
16          barrier at that moment with Hector and Nofal  
17          and with the speakerphone, and I almost believe  
18          that they actually spoke together. I would not  
19          have been able to hear that. I almost believe  
20          that they actually had a conversation, because  
21          of the language barrier that it was so hard to  
22          understand, that Abdel took the phone and was  
23          listening to him.

24          So I wish I could remember the full  
25          conversation, but it almost reminds me of him



1 actually having the phone, because they  
2 couldn't understand each other. Because I  
3 remember at some point, ah, we have this light  
4 show that comes on, and it became very loud,  
5 and that's when they couldn't understand what  
6 each other was saying, so Abdel was holding my  
7 phone.

8 Q At some point there was a time when  
9 the three of you were kind of communicating  
10 using one phone?

11 A Yes. Originally it was on  
12 speakerphone, yes, ma'am.

13 Q And during that phone call, to the  
14 best of your recollection, there was no words  
15 discrimination mentioned, retaliation; correct?

16 A Yes, correct. I don't ever remember  
17 him ever saying that he felt discriminated on.

18 MS. TATURA: Okay, thank you.

19 Let's look at one more, and last  
20 exhibit. That will be marked as  
21 Exhibit 11, this document that I just  
22 received from your attorney.

23 (Exhibit 11 marked for  
24 identification.)

25 Q Can you see this document?

1           A     Yeah.

2           Q     Have you seen this document before?

3           A     Yes, ma'am.

4           Q     So you did request a statement from  
5 Michael Roberts; correct?

6           A     Yes, ma'am.

7           Q     Is there any email that you sent to  
8 Michael requesting such statement?

9           A     No, this was actually requested on  
10 the 6th. Michael Roberts had left the  
11 building, and I had to remind him that he did  
12 not submit the statement to send over to  
13 Hector. So he had sent it via email, as he was  
14 off.

15          Q     Did you ask him to do that by phone,  
16 by email, something else?

17          A     Via phone and in person.

18          Q     Not by email?

19          A     No, not by email.

20          Q     Is there any reason why there is this  
21 huge space before the email we are looking  
22 at -- do you know if there was any redaction  
23 made before this email was produced to us?

24          A     No, I think that's just the way it  
25 came through on the scan, because it's

1           actually -- on the actual, that's the top. So  
2           I think just the scan, I guess it came through  
3           like that.

4           Q     Okay. Well, let's look at it.

5           "Yesterday, September 6 in the morning, I  
6           witnessed Chef Natalie asking Abdel multiple  
7           times to do something, and he ignored her. He  
8           was asked to lower the oz --"

9           What's oz?

10          A     Ounces.

11          Q     "-- ounces of the hash browns  
12          repeatedly, and he didn't even acknowledge her.  
13          He was then asked to bump the item once it was  
14          made, and Natalie had to come around and do it  
15          for him, because he wouldn't. Natalie asked if  
16          I could be part of a sitdown after the shift.  
17          This did not happen, as Abdel walked out and  
18          left for the day."

19          I'm sorry, why did Michael not give you  
20          the statement on the day when you asked him to  
21          do that?

22          A     He had left the building.

23          Q     He forgot to give you the statement?

24          A     Yes, ma'am.

25          Q     And was he present through the whole

1 incident that allegedly occurred, according to  
2 this statement?

3 A Yes, ma'am, he was there through all  
4 of it.

5 Q So it sounds like at least three  
6 people happened to be there on the day of when  
7 you had an incident with Abdel -- Chris, Robert,  
8 and Michael?

9 A Yeah, Chris was informed that I  
10 needed to have a sitdown, because we always do  
11 sitdowns with multiple managers, it's never a  
12 one-on-one. So in any instance I will always  
13 grab, the more managers the better, is like  
14 what we call it. So I asked Christopher to be  
15 a part of the sitdown. Michael Roberts was  
16 directly involved, as he was pretty much working  
17 expo that day with me, so he was in the kitchen  
18 the entire time with me all morning during  
19 breakfast.

20 Q And how about Robert, did he just  
21 happen to pass by?

22 A Robert Taylor was doing his security  
23 walk in the morning around 6:30, when Abdel was  
24 being combative with me. To the point where he  
25 had mentioned am I okay, do I need help.

1 MS. TATURA: Anjanette, I don't have  
2 any further questions. I don't know if  
3 you wanted to do any follow-ups.

4 MS. CABRERA: I have very limited  
5 follow-up.

6 EXAMINATION

7 BY MS. CABRERA:

8 Q Natalie, why was Mr. Nofal only  
9 scheduled for breakfast shifts when he returned  
10 from his leave of absence?

11 A Because he was directly hired for  
12 breakfast shift.

13 Q And counsel pointed out that there  
14 were several other individuals, who were line  
15 cooks, that were working more hours than  
16 Mr. Nofal when he returned from leave.

17 Can you explain why that was the case?

18 A Yes, all of them were hired to work  
19 lunch shifts and mid-shifts.

20 Q And so what does that mean?

21 A Lunch shifts you come in at 8 o'clock  
22 and work until 4 o'clock. Mid-shifts can work  
23 anywhere from 10:00 to 5:00, 6:00, 7:00, based  
24 on business. Lunch work, basically the core of  
25 our business, is the busiest, which is lunch,

1           so they were hired for lunch only.

2           Q       Was Mr. Nofal given less hours when  
3 he returned from leave because he had taken a  
4 leave of absence?

5           A       No, ma'am.

6           Q       Was his schedule influenced at all by  
7 the fact that he was Muslim?

8           A       No, ma'am.

9           Q       And what happened to the business  
10 while Mr. Nofal was out on leave?

11          A       So we had started with our grand  
12 opening, which was very hectic and a lot of  
13 hours for everybody.

14          As we started stabilizing and getting  
15 opened, uhm, around October 1st, we started to  
16 streamline our schedule into the actual  
17 positions that everybody was hired, and to make  
18 sure that everybody started working.

19          As we got to the middle of August, it was  
20 talked about to start opening breakfast. At  
21 that moment, it was mentioned that I'm the only  
22 breakfast cook at this point, nobody has been  
23 trained to do breakfast. Mr. Nofal had sent me  
24 an email saying that he's ready to come back.  
25 It was almost perfect timing for me, because

1           now I didn't have to work the breakfast shift.

2           Once he came back, he immediately started  
3           as the first breakfast shift, and he worked  
4           every breakfast shift that we had. And  
5           business kind of stabilized, so people's hours  
6           were starting to adjust to reflect that.

7                       MS. CABRERA: Okay, I have no further  
8           questions.

9                       MS. TATURA: Thank you very much for  
10          your time today.

11                      THE WITNESS: Thank you.

12                      THE COURT REPORTER: Ms. Cabrera,  
13          this is district court, do you need a  
14          copy?

15                      MS. CABRERA: Yes, please.

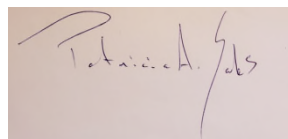
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17                      (Deposition concluded 12:32 p.m.)  
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C E R T I F I C A T E

I, PATRICIA A. SANDS, a Shorthand Reporter and Notary Public of the States of New York and New Jersey, do hereby certify that prior to the commencement of the examination the witness was sworn by me to testify the truth, the whole truth and nothing but the truth.

I do further certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I do further certify that I am neither of counsel nor attorney for any party in this action, and that I am not interested in the event nor outcome of this litigation.




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New York Certificate No.: 01SA4974309  
 New Jersey Certificate No.: 2109345



WITNESS CERTIFICATION

I have read the foregoing transcript of  
my testimony and find it to be true and  
accurate to the best of my knowledge and  
belief.

\_\_\_\_\_  
[NATALIE COHEE]

Subscribed and sworn to  
before me on this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

\* \* \*

Priority-One Court Reporting/Veritext  
718-983-1234

CASE NAME: Nofal, Abdelhafiz v. IMCMV Times Square LLC, Et Al.  
DATE OF DEPOSITION: 3/21/2023  
WITNESS' NAME: Natalie Cohee

[illegible]

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC  
MY COMMISSION EXPIRES

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## Federal Rules of Civil Procedure

### Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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